

ARTICLE I. IN GENERAL

Sec. 21-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Authority shall mean the Joint Powers Authority for the South Bayside System Authority, a public entity established by agreement between the Cities of San Carlos, Belmont, and Redwood City, California, and the Menlo Park Sanitary District (now named West Bay Sanitary District) dated November 13, 1975, and any successor entity thereof.

Building sewer means a sewer conveying wastewater from the premises of a user to the sewerage facilities.

Beneficial uses means the uses of the waters of the city or state which may or do require protection against quality degradation thereof, including but not necessarily limited to water used for domestic, municipal, agricultural and industrial uses, power generation, recreation, aesthetic enjoyment, or navigation purposes, or for the preservation and enhancement of fish, wildlife or other aquatic resources or reserves, and such other uses, both tangible or intangible, as are or may be specified by federal or state law as beneficial uses.

Charge means a rental or other charge established pursuant to this chapter for services and facilities furnished by the city to any premises in connection with the operation of the sewerage facilities.

Clerk shall mean city clerk.

City means the City of Belmont, a municipal corporation of the State of California.

Compatible pollutant means biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, additional pollutants identified in the city's national pollutant discharge elimination system (NPDES) permit, and such other pollutants as may be designated by the director upon a finding by him that such pollutants are substantially treated and removed by the sewerage facilities.

Contamination means an impairment of the quality of the waters of the city or state by waste to a degree which creates a hazard to the public health. Contamination shall include any equivalent effect resulting from the disposal of wastewater whether or not waters of the city or state are affected thereby.

Director means the director of public works of the city, or his designees, including but not limited to duly authorized personnel of the authority.

District shall mean the Mid-Peninsula Water District or entity or successor that delivers water to the city's sewer customers.

Entity means the city.

Finance director means the director of finance of the city, or his designees, including but not limited to duly authorized personnel of the authority.

Fixture shall mean any sink, tub, shower, water closet or other facility connected by a drain to the sewer.

Holding tank waste means any waste from sewerage or waste disposal holding tanks such as are associated with vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

House-connection sewer shall mean that portion of the horizontal sewer piping which extends from the building or structure to the property line of the public right-of-way or easement.

Incompatible pollutant means any pollutant which is not a compatible pollutant.

Interference means an inhibition or disruption of the sewerage facilities, their treatment processes or operations or their sludge processes, use or disposal which causes or significantly contributes to either a violation of the authority's NPDES permit or to the prevention of sewerage sludge or disposed by the authority in accordance with the applicable state and federal statutory provisions and regulations or permits issued thereunder.

Legislative body shall mean the city council.

Living unit shall mean any residence, apartment house, habitation or other structure customarily occupied by a single person or family requiring sewer disposal services.

Major contributing industry means any wastewater contributor identified in the Standard Industrial Classification (SIC) Manual, prepared and published by the Executive Office of Management and Budget of the United States, classified within divisions A, B, D, E and I therein, the wastewater of which has any one (1) or more of the following characteristics:

- a. A discharge flow of fifty thousand (50,000) gallons or more per average work day (if seasonal, the average shall be based upon the seasonal discharge);
- b. A flow or pollutant loading greater than five (5) percent of the design capacity of the sewerage facilities;
- c. Toxic pollutants in amounts defined in standards issued pursuant to section 307(a) of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500; 33 U.S.C. § 1151, et seq.);
- d. A significant impact (determined by the director), either individually or in combination with other contributing industries, on the sewerage facilities, or upon the quality of effluent from the sewerage facilities.

Mass emission rate means the weight of material discharged to the sewerage facilities during a specified time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular waste constituent or combination of constituents.

Metered water delivery shall mean each one hundred (100) cubic feet of water (to the nearest ten (10) cubic feet) as metered by the Mid-Peninsula Water District and as contained in the district's official records.

Outlet means any part of a sewer system to which a fixture may be connected.

Pass Through means the discharge of pollutants through the sewerage facilities into naviga-

ble waters in quantities or concentrations which cause or significantly contribute to violation of the authority's NPDES permit.

Person means any individual, firm, company, partnership, association, private corporation, public corporation, or governmental entity, authority or agency, and the officers, agents or employees of such organizations.

Pollution means an alteration of the quality of the waters of the city or state by waste to a degree which unreasonably affects such waters for any beneficial use or affects pollution. The term "pollution" may also include contamination.

Premises means a parcel of land, or portion thereof, including any improvements thereof, which is directly or indirectly connected to the sewerage facilities for purposes of receiving, using and paying for service, or other purposes relating to the sewerage facilities, by an individual user. Each dwelling unit of a duplex, apartment or any other multifamily residence shall be deemed a separate premises. Subject to the provisions of this section 21-106, the director shall determine what constitutes a premises.

Public sewer (sewer main) shall mean any main-line sewer constructed in any street, highway, alley, place or right-of-way dedicated for public use and accepted by the city. Such term shall not include laterals or house-connection sewers.

Reclaimed water means water which, as a result of treatment of waste, is suitable for direct beneficial use, or a restricted beneficial use, which would not otherwise occur but for such treatment.

Report means the report referred to in section 5473 of the Health and Safety Code of the state.

Requirement of law or other requirements of law means any pertinent provisions of the Federal Water Pollution Control Act as amended by the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500, 33 U.S.C. § 1151 et seq.), or of any statute, ordinance, rule, regulation, order, directive, or of the city's or authority's National Pollutant Discharge Elimination System (NPDES) permit, or of any amendments thereto.

Sewer connection charge means fees or other charges paid to obtain a permit to connect one or more fixtures to the sewerage system.

Sewer lateral shall mean that portion of the horizontal sewer piping within the public right-of-way which extends from the public sewer to the street property line or limit of public right-of-way or easement.

Sewer service charges means fees, tolls, rates, rentals or other charges for services and facilities furnished by the city in connection with its sanitation or sewerage system.

Sewerage facilities means any or all devices, facilities, equipment, improvements or systems owned or used by the city or the authority in the collection, storage, treatment, recycling, reclamation or disposal of wastes or wastewater, including interceptor sewers, outfall sewers, or lines, sewerage collection systems, pumps, power plants, treatment plants, recycling or reclamation plants, and other equipment and appurtenances thereto; extensions, improvements, remodeling, modifications, additions or alterations thereof; chemicals, materials or supplies used in connection therewith; stormwater, flood control, and drainage maintenance facilities that reduce inflow and infiltration to the sanitary sewer system; or any other facilities, including land and improvements thereon, which are an integral part of the treatment process of the city or the authority, or which are used for ultimate disposal of residues, effluent or discharges, resulting from such treatment, or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of wastes or wastewater, including storm water runoff, industrial wastes, domestic wastes or any combination thereof.

Sewered water use shall mean the estimated units of metered water use discharged by each customer. Sewered water use shall be estimated based on winter water consumption multiplied by twelve (12).

Unit shall mean each one hundred (100) cubic feet of water or wastewater when referring to volumetric measures.

Unpolluted water means water to which no constituent has been added, either intentionally

or accidentally, which would render such water unacceptable to the city or authority for disposal to storm or natural drainages, or directly to surface waters.

User means any person who discharges, causes or permits the discharge of wastewater into the sewerage facilities.

User classification means a classification of users based upon classifications set forth in the Standard Industrial Classification (SIC) Manual, 1972 Edition, prepared and published by the Executive Office of Management and Budget of the United States.

Waste means sewerage and any and all waste substances, whether liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

Wastewater means waste and water, whether treated or untreated, discharged into or permitted to enter into the sewerage facilities, including inflow and infiltration of stormwater runoff.

Wastewater constituents and characteristics means the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate, and such other parameters that serve to define, classify or measure the contents, quality, quantity or strength of wastewater.

Waters of the city or state: Any water, whether surface or underground, and whether saline or non-saline, within the boundaries of the city, or within the boundaries of the city and flowing into, touching or otherwise combined with waters outside the city but within the boundaries of the state.

Winter period shall mean the months of December, January, February, and March when referring to winter water consumption.

Winter water consumption shall mean the average monthly metered water delivered to each district water customer during the immediately

preceding winter period, based on district meter readings during the months of January through April.

(Code 1961, §§ 22.0, 22.8; Ord. No. 952, § 1(Exh. A), 7-25-00)

Sec. 21-2. Violations declared nuisance; abatement.

Any improvement, pipe, facility connected, set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this article and any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this article shall be and the same is hereby declared to be unlawful and a public nuisance and the city attorney shall, upon order of the city council, immediately commence action or proceedings for the abatement and removal and injunction thereof in the manner provided by law and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person from setting up, erecting, building, maintaining or using any such building or using any premises contrary to the provisions of this article.

(Code 1961, §§ 22.3, 22.52; Ord. No. 952, § 1(Exh. A), 7-25-00)

Sec. 21-3. Connection required if sewer available.

The further maintenance or use of cesspools or other local means of sewerage disposal constitutes a public nuisance. All buildings inhabited or used by human beings which are not more than one hundred (100) feet from the sewerage system of the city or any extension hereafter made thereto, and in which any sewerage is produced shall be connected with the sewerage system of the city not less than ninety (90) days from the date of written notification by the city of the duty to make the connection.

(Code 1961, § 22.42; Ord. No. 952, § 1(Exh. A), 7-25-00)

Sec. 21-4. Abatement of nuisance arising from non-connection.

During the period of sewer non-connection or disconnection, habitation of such premises by

human beings shall constitute a public nuisance, whereupon the city council may cause proceedings to be brought for the abatement of the occupancy of such premises by the human beings. In such event, a reasonable attorney's fee shall become due as a penalty for nonpayment.

(Code 1961, § 22.44; Ord. No. 952, § 1(Exh. A), 7-25-00)

Sec. 21-5. Easement required to connect main to city system.

It shall be unlawful to connect any sewer main, and no sewer main shall be connected, to the sanitary sewer system of the city unless and until there has been conveyed to the city and the city council has accepted an easement in and over the property in which the main lies in such form as approved by the city attorney and city engineer, and unless and until the procedure, rules and regulations established by the city engineer have been fully complied with.

(Code 1961, § 22.1; Ord. No. 952, § 1(Exh. A), 7-25-00)

Sec. 21-6. Regulations governing connections authorized.

The city engineer is hereby authorized to establish a standard procedure and rules and regulations for the construction by private property owners of storm conduit, sanitary sewer mains and other facilities and appurtenances thereto to be connected to the sanitary sewer system of the city. Such standard procedure, rules and regulations shall be printed and a copy kept on file in the office of the city clerk and in the office of the building inspector of the city.

(Code 1961, § 22.2; Ord. No. 952, § 1(Exh. A), 7-25-00)

Sec. 21-7. Unpolluted wastes prohibited.

It shall be unlawful for any person to cause any storm water, roof, surface or subsurface drainage to be directed or connected to the sanitary sewer system.

(Code 1961, § 22.7.2; Ord. No. 952, § 1(Exh. A), 7-25-00)

Secs. 21-8—21-19. Reserved.